

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PERNOD RICARD USA, LLC,

Plaintiff,

v.

BACARDI U.S.A., INC.,

Defendant.

C.A. No. 06-505 (SLR)

NOTICE OF DEPOSITION

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, defendant Bacardi U.S.A., Inc. ("Bacardi") will take the deposition by oral examination of defendant Pernod Ricard USA, LLC ("Pernod") at 10:00 a.m. on March 28, 2008, at the offices of Kelley Drye & Warren LLP, 101 Park Avenue, New York NY 10178. You are invited to attend and cross-examine.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Pernod is required to designate one or more officers, directors, managing agents, or other persons who will testify on its behalf with respect to each of the topics set forth in the attached Schedule A. In addition, Pernod is requested to provide defendant's counsel with written notice, at least one week in advance of the deposition, of the name and title of each witness who will testify on behalf of Pernod, and the particular topic(s) set forth in Schedule A as to which each such witness will testify.

MANNER OF RECORDATION OF DEPOSITION

The deposition will be conducted upon oral examination before a certified shorthand reporter who is authorized to administer oaths and will be recorded both stenographically and on videotape.

Of Counsel:

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Attorneys for Defendant
Bacardi U.S.A., Inc.

Dated: March 14, 2008

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2008, I electronically filed the foregoing document with the Clerk of Court using CM/ECF which will send notification of such filing(s) and Hand Delivered to the following:

Jack B. Blumenfeld
Rodger D. Smith, II
MORRIS, NICHOLS, ARSHT & TUNNELL LLP
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P.O. Box 1347
Wilmington, DE 19801

I hereby certify that on March 14, 2008, I have sent by Electronic Mail, the foregoing document to the following non-registered participants:

Herbert F. Schwartz
Vincent N. Palladino
Pablo D. Hendler
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SCHEDULE A

DEFINITIONS

Bacardi incorporates by reference the Definitions in Bacardi's First Set of Requests for Production of Documents and Things served on August 16, 2007

DEPOSITION TOPICS

1. BUSA's marketing or advertising for HAVANA CLUB rum which Pernod USA claims contains false and misleading statements, including, but not limited to, such marketing and advertising designed to sell BUSA's HAVANA CLUB rum at the alleged expense of Pernod USA's MALIBU rum and STOLICHNAYA vodka.

2. The production, marketing, advertising, and sale by Pernod USA of spirits, including, but not limited to, MALIBU rum and STOLICHNAYA vodka, in the United States and the State of Florida.

3. Any consumer studies, polls, surveys, focus group reports or other investigations concerning the perception of MALIBU rum and STOLICHNAYA vodka by potential purchasers in the United States.

4. Any consumer studies, polls, surveys, focus group reports, or other investigations concerning the perceptions by prospective purchasers of rum or vodka in the United States of the words "HAVANA CLUB."

5. Any consumer studies, polls, surveys, focus group reports, or other investigations concerning the perceptions by prospective purchasers of rum or vodka in the United States of any labeling or trade dress which features the words "HAVANA CLUB," including, but not limited to, the packaging used by BUSA for its HAVANA CLUB rum.

6. Any consumer studies, polls, surveys, focus group reports, or other investigations concerning the perceptions by prospective purchasers of rum or vodka of the most preferable places to produce rum or vodka.

7. Competition in the United States between vodka or rum products manufactured, distributed, produced, imported, or sold by BUSA and those manufactured, distributed, produced, imported, or sold by Pernod USA.

8. The production of rum in Cuba prior to 1960 by José Arechabala, S.A, BACO, BUSA, or their predecessors.

9. The geographic origin of MALIBU rum, STOLICHNAYA vodka, ingredients therein, and every other brand of vodka or rum, manufactured, distributed, produced, imported, or sold by Pernod USA in the United States.

10. Your assertion in Paragraph 21 of the Complaint that the statement that the HAVANA CLUB rum imported and distributed by BUSA is the same as rum that was made in Cuba and sold in the United States before 1960 is false and misleading.

11. Any consumer studies, polls, surveys, focus group reports, or other investigations concerning the likelihood that potential purchasers are misled or deceived into buying BUSA's HAVANA CLUB rum because such purchasers believe BUSA's HAVANA CLUB rum is made in Cuba.

12. Any consumer studies, polls, surveys, focus group reports, or other investigations completed on or after January 1, 1997 concerning the advertising or promotion of BUSA's HAVANA CLUB rum and HAVANA CLUB rum distributed or imported by Pernod USA or its affiliates, including Pernod.

13. Any consumer studies, polls, surveys, focus group reports, or other investigations completed on or after January 1, 1997 concerning the advertising or promotion of MALIBU rum and STOLICHNAYA vodka in the United States.

14. Any proposals or plans by Pernod USA to sell rum or any other product under the name HAVANA CLUB in the United States.

15. Any monetary or other damages sustained by Pernod USA, including lost sales of MALIBU rum and STOLICHNAYA vodka, which Pernod USA claims it has suffered as a result of BUSA's advertising, marketing, and sale of HAVANA CLUB rum.

16. Agreements between Pernod USA and any other party concerning or referring to the words "Havana Club," any trademarks consisting of or including the designation HAVANA CLUB, or HAVANA CLUB rum.

17. Pernod USA's corporate structure and the reporting relationships among Pernod USA employees with responsibilities concerning the development, manufacture, marketing, distribution, promotion, advertising, or sale of MALIBU rum or STOLICHNAYA vodka.